

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**UNITED STATES OF AMERICA
Plaintiff**

CASE NO. 11-302

VS.

**THE BRYAN COMPANY, BRYAN
CONSTRUCTION COMPANY, INC., STEVE
BRYAN, MID-SOUTH HOUSTON PARTNERS
MID-SOUTH DEVELOPMENT, L.L.C. A/K/A
MSD, L.L.C., THE VINEYARDS
APARTMENTS, L.L.C., EQUITY
PROPERTIES, L.L.C. F/K/A WINDSOR
APARTMENT, LP, CYPRESS LAKE
DEVELOPMENT, L.L.C., STEPHEN G. HILL,
PICKERING FIRM, INC. A/K/A PICKERING,
INC., LARRY SINGLETON D/B/A
SINGLETON HOLLOMON ARCHITECT,
SHOWS DEARMAN & WAITS, INC.,
TIMOTHY R. BURGE PA D/B/A
PROFESSIONAL ASSOCIATES, INC.,
CANIZARO CAWTHON DAVIS F/K/A
CANIZARO TRIGIANI ARCHITECTS,
SMITH ENGINEERING & SURVEYING, INC.
A/K/A SMITH ENGINEERING FIRM, INC.
A/K/A S.E.C.O., INC. D/B/A SMITH
ENGINEERING CO., INC., EVANS-GRAVES
ENGINEERS, AND J.V. BURKES &
ASSOCIATES, INC.**

Defendants

and

**USA HOUSTON LEVEE DST, VINEYARDS
AT CASTLEWOODS, L.L.C., SEC
ACCOMMODATOR-TWIN OAKS L.L.C.,
CYPRESS LAKE RS, L.L.C., CYPRESS LAKE
GARG, L.L.C. AND PELICAN POINTE-NE, LP**

Rule 19 Defendants

MOTION PURSUANT TO F.R.C.P. 19 & 24

NOW COMES Orion Real Estate Services, Inc. (“Orion”), by and through its undersigned counsel, who respectfully requests this Court issue an Order permitting Orion to intervene as of right pursuant to Federal Rule of Civil Procedure 24 or, alternatively, adding Orion as a necessary defendant to the instant action under Federal Rule of Civil Procedure 19 based upon its appointment as Keeper of the property commonly referred to as Cypress Lake Apartments in Baton Rouge, Louisiana, all as more fully set forth in the accompanying memorandum in support.

WHEREFORE, in light of the foregoing and for all those reasons more fully set forth in the accompanying memorandum in support, Orion Real Estate Services, Inc. respectfully requests this Court issue an Order permitting it to intervene as of right pursuant to Federal Rule of Civil Procedure 24 or adding it as a necessary party defendant pursuant to Federal Rule of Civil Procedure 19.

Respectfully submitted,

By Counsel
On Behalf of Movant

/s/ J. Stephen Kennedy
J. Stephen Kennedy, MS Bar # 100040
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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2012, a copy of the foregoing *Motion Pursuant to F.R.C.P. 19 & 24* has been served by electronic filing through the ECF System, which provides electronic notice to all counsel of record.

/s/ J. Stephen Kennedy